

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

---

SHELBY COUNTY, TENNESSEE,     )  
a Tennessee municipality,     )

Plaintiff,     )

v.     )

ARCHON INFORMATION     )  
SYSTEMS, LLC, D/B/A     )  
CIVICSOURCE,     )

Defendant.     )

No. 2:24-cv-02282-MSN-atc

JURY DEMANDED

---

**RULE 55 MOTION AND MEMORANDUM IN SUPPORT  
FOR ENTRY OF DEFAULT**

---

Plaintiff Shelby County, Tennessee moves for an entry of default, as Defendant Archon Information Systems, LLC, D/B/A CivicSource (“Plaintiff” or “CivicSource”) has failed to timely respond to this lawsuit. In support of this Motion, Plaintiff relies on its Memorandum in Support, stating as follows:

**MEMORANDUM IN SUPPORT**

This is an action for the return of funds owed to Shelby County, Tennessee by Defendant. Shelby County retained Defendant to facilitate an online auction of delinquent tax properties in October 2023. Defendant facilitated the sale, sold properties for the benefit of Shelby County, but ever since that date has not returned the proceeds of those sales to Shelby County. After continuous demands from Shelby

County, and after repeated assurances by Defendant that the funds would be repaid by dates-certain that have since come and gone, Shelby County was left with no choice but to file suit against the Defendant.

On April 30, 2024, Plaintiff filed its Complaint (ECF 1) against Defendant, bringing claims for breach of contract/quantum meruit, unjust enrichment, negligence, and breach of fiduciary duty, all in order to recover funds owed to Shelby County in the amounts of \$1,233,818.03 and to refund-bidders in the amount of (collectively) \$266,269.54.

On May 6, 2024, undersigned counsel reached out to attorney Ryan Adams, registered agent for Defendant. Mr. Adams had also been Defendant's counsel in prior communications between Defendant and Shelby County regarding the sought-after funds in this matter. Attorney Adams agreed that he could and would accept service of this lawsuit on behalf of Defendant, which he then did the following day—May 7, 2024. This is all reflected in the returned executed summons filed with this Court. (ECF 8).

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendant had twenty-one (21) days from the date of service in which to file an answer or responsive pleading. Defendant's deadline to respond has now run, and Defendant has not filed an answer or responsive pleading, nor has it appeared (via counsel or otherwise) or communicated to the Court or the Plaintiff requesting an extension.

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff hereby moves for default, and requests that a default entry be entered against Defendant. Plaintiff

requests the sum certain outlined in its Complaint, as well as any costs, fees, pre and post-judgment interest, and any other relief to which it is entitled, and will provide a Rule 55(b) affidavit in support at the appropriate juncture.

Respectfully submitted,

/s/ E. Lee Whitwell

E. Lee Whitwell (#33622)  
Shelby County Attorney's Office  
160 North Main Street, Suite 950  
Memphis, TN 38103  
(901) 222-2100  
[lee.whitwell@shelbycountyttn.gov](mailto:lee.whitwell@shelbycountyttn.gov)

*Attorney for Plaintiff Shelby County*

Certificate of Service

I certify that the foregoing is being filed via the Court's ECF system this 3<sup>rd</sup> day of June, 2024, for service on all persons that have entered appearances. The foregoing is also being sent, via electronic mail, to the following:

Ryan D. Adams  
Sher, Garner, Cahill, Richter, Klein & Hilbert, L.L.C.  
909 Poydras Street | Suite 2700  
New Orleans, LA 70112  
[radams@shergarner.com](mailto:radams@shergarner.com)

*Counsel/Registered Agent for Defendant*

/s/ E. Lee Whitwell